



HAMPDEN TOWN COUNCIL MEETING  
HAMPDEN MUNICIPAL BUILDING  
AGENDA

TUESDAY

FEBRUARY 22, 2022

6:00 P.M.

- A. PLEDGE OF ALLEGIANCE
- B. APPROVAL OF THE AGENDA
- C. CONSENT AGENDA
  - 1. SIGNATURES
  - 2. COUNCIL MINUTES - None
  - 3. COMMUNICATIONS
    - a. Victualer's License renewals – JC's Variety and R & K Variety
  - 4. COMMITTEE MINUTES
- D. PUBLIC COMMENTS
- E. POLICY AGENDA
  - 1. NEWS, PRESENTATIONS & AWARDS
  - 2. PUBLIC HEARINGS
  - 3. NOMINATIONS – APPOINTMENTS – ELECTIONS
    - a. Warrant and notice of election for RSU #22
    - b. Warrant and notice of municipal referendum
- F. COMMITTEE REPORTS
- G. UNFINISHED BUSINESS
- H. NEW BUSINESS
  - a. Request for Council approval to turn Stearns Farm into affordable housing – *requested by Stan McMillan*
  - b. Request for Council approval to amend the solar ordinance use table to allow for large scale solar in residential B district – *referral from Council workshop*

Note: Council will take a five-minute recess at 8:00 p.m.

.....  
TUESDAY

FEBRUARY 22, 2022

6:00 P.M.

AGENDA  
.....

- c. Council approval to grant an overlimit permit to move construction equipment and loads in excess of legal limits on municipal ways – *requested by Maine Department of Transportation*
- d. Council authorization for the receipt of the balance of our allowance from Greenwood Emergency Vehicles in the amount of \$21,359 into the fire equipment reserve account (3-747-00)
- e. Council authorization for the expenditure of an amount not to exceed \$21,359 from the fire equipment reserve account (3-747-00) for the purchase of fire truck equipment.
- f. Council consideration of proposed amendment to the Remote Meeting Policy – *referral from Council workshop*

- I. EXECUTIVE SESSION – Pursuant to 1 MRSA § 405(6)(F), to include the town manager
- J. MANAGER REPORT
- K. COUNCILOR COMMENTS
- L. ADJOURN

Note: Council will take a five-minute recess at 8:00 p.m.

FOR THOSE THAT WISH TO PARTICIPATE IN THE  
REMOTE COUNCIL WORKSHOP MEETING ON  
FEB. 14,2022 AT 6:00 PM YOU MAY PHONE IN  
USING THE FOLLOWING NUMBER (FOLLOWED  
BY THE PIN #)

**1-402-865-0306      PIN 388-865-0306**

OR-

FROM A LAPTOP OR A DESKTOP, YOU MAY GO  
TO THIS URL: **[https://meet.google.com/axr-  
cwrh-csw](https://meet.google.com/axr-cwrh-csw)** AND JOIN US THAT WAY

**INSTRUCTIONS ARE POSTED WITH THE AGENDA  
AND SEPARATELY ON THE TOWN CALENDAR AT  
[WWW.HAMPDENMAINE.GOV](http://WWW.HAMPDENMAINE.GOV)**

Town of Hampden  
106 Western Avenue  
Hampden, Maine 04444



C-3-a  
Phone: (207) 862-3034  
Fax: (207) 862-5067  
email: clerk@hampdenmaine.gov

February 16, 2022

R&K Variety  
Dawn Grover  
573 Main Rd North  
Hampden, ME 04444

RE: Victualer's license

To Dawn:

Your application for your Victualer's License has been approved. Accordingly, I am enclosing the license, which under Section 5.C of the Town of Hampden Victualer's Ordinance, must be displayed in a place within the establishment where it can be readily viewed by any member of the public.

Please call if you have any questions.

Sincerely,

**-VICTUALER'S LICENSE CERTIFICATE**

No. 2022-4

**MUNICIPALITY OF HAMPDEN, MAINE**

To all whom these presents may concern: Date: February 16, 2022

**KNOW YE**, that Dawn Grover,

doing business as R&K Variety

has been duly licensed as a Victualer at 573 Main Rd North

in the Municipality of Hampden by said Municipality until February 16, 2023,

and has paid to the Municipal Treasurer the fee of \$ 100.00.

  
Authorized Municipal Officer

Deputy Town Clerk

Town of Hampden  
106 Western Avenue  
Hampden, Maine 04444



Phone: (207) 862-3034  
Fax: (207) 862-5067  
email: clerk@hampdenmaine.gov

February 16, 2022

JC's Variety  
John & Corinne Lanpher  
995 Western Ave  
Hampden, ME 04444

RE: Victualer's license

To John & Corinne:

Your application for your Victualer's License has been approved. Accordingly, I am enclosing the license, which under Section 5.C of the Town of Hampden Victualer's Ordinance, must be displayed in a place within the establishment where it can be readily viewed by any member of the public.

Please call if you have any questions.

Sincerely,



Jennifer Mahon

**VICTUALER'S LICENSE CERTIFICATE**

No. 2022-5

**MUNICIPALITY OF HAMPDEN, MAINE**

To all whom these presents may concern: Date: February 16, 2022


**KNOW YE**, that John & Corinne Lanpher

doing business as JC's Variety

has been duly licensed as a Victualer at 995 Western Ave

in the Municipality of Hampden by said Municipality until February 16, 2023,

and has paid to the Municipal Treasurer the fee of \$ 100.00.



Authorized Municipal Officer Deputy Town Clerk

E-3-a



**Memorandum**

TO: Town Council  
FROM: Paula Scott, Town Manager  
DATE: February 18, 2022  
RE: Countersigning of the RSU 22  
Warrant and Notice of Election

The question often comes up, when a Regional School Unit Warrant and Notice of Election is brought forth to the municipal officers for counter-signing, whether or not they may refuse to sign. The short answer is no.

By law, an RSU referendum is initiated by a warrant prepared and signed by the RSU Directors. The warrant must also be countersigned by the municipal officers in the municipality where the warrant is to be posted. The Warrant and Notice of Election directs the municipal clerk, or a resident assigned by the clerk, to "notify and warn" the inhabitants of the town that there is an election being called, for what purpose, and the date and time of the election.

By virtue of the fact that you are elected officials, you have a ministerial duty to act as directed by the law, and *must* act, regardless of whether or not you believe the subject matter to be in the best interest of the town.

**WARRANT AND NOTICE OF ELECTION  
CALLING REGIONAL SCHOOL UNIT NO. 22 REFERENDUM  
(20-A M.R.S. §§ 1501-04)**

TO: Marie McCaw, a resident of Regional School Unit No. 22, composed of the Towns of Hampden, Newburgh, Winterport, and Frankfort, State of Maine.

In the name of the State of Maine, you are hereby ordered to serve upon the municipal clerks of each of the municipalities within Regional School Unit No. 22, namely, the Towns of Hampden, Newburgh, Winterport, and Frankfort, an attested copy of this warrant and notice of election. Service shall be in hand within three (3) days of the date of this warrant and notice of election. The municipal clerks of the above municipalities shall immediately notify the respective municipal officers. The municipal officers shall meet forthwith and countersign this warrant and notice of election. The municipal officers shall provide below for the respective municipal clerks to post or have posted this warrant and notice of election.

**HAMPDEN  
REGIONAL SCHOOL UNIT NO. 22 REFERENDUM  
WARRANT AND NOTICE OF ELECTION**

Penobscot County, ss.

State of Maine

TO: Tammy Ewing, Resident of the Town of Hampden: You are hereby required in the name of the State of Maine to notify the voters of this municipality of the election described in this warrant and notice of election.

TO THE VOTERS OF THE TOWN OF HAMPDEN: You are hereby notified that a Regional School Unit No. 22 referendum election will be held at the Skehan Recreation Center, 1 Main Road North in the Town of Hampden at 8:00 A.M. on Tuesday, April 5, 2022 for the purpose of determining the following articles:

Article 1A: To choose a moderator to preside at said meeting.

Article 1: Do you favor authorizing the School Board of Regional School Unit No. 22 (the "RSU") to design, construct, and equip an expansion of the Hampden Academy third floor, which will include 8 new classrooms and new restrooms (the "Project"), with a Project cost of \$1,992,034.87, which is expected to be 100% funded by federal American Rescue Plan/Elementary and Secondary School Emergency Relief (ARP/ESSER) grant funds?

Article 2: Do you favor authorizing the School Board of Regional School Unit No. 22 (the "RSU") to issue bonds and other evidences of indebtedness in the name of the RSU in an amount not to exceed \$886,080 through the State of Maine's zero interest rate/loan forgiveness School Revolving Renovation Fund (SRRF) Program for building envelope renovations and improvements, including exterior masonry work, at Reeds Brook Middle School (the "Project")?

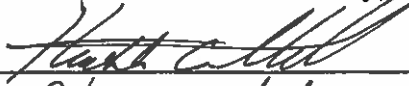



SRRF Program Funding. The Project costs (up to \$886,080) have been approved for funding through Maine's SRRF Program. Of this amount, the RSU will receive 70% (up to \$620,256) that will be forgiven, and 30% (up to \$265,824) that the RSU will repay at zero interest (0%) over a term of five years.


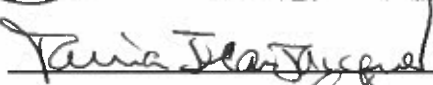
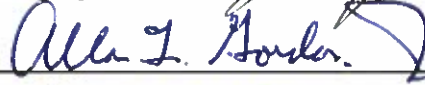
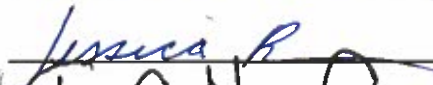
The voting on Articles 1 and 2 shall be by secret ballot referendum. The polls will be opened immediately after the election of the Moderator following commencement of the meeting at 8:00 A.M. and closed at 8:00 P.M.

The Registrar of Voters will hold office hours while the polls are open to correct any error in or change a name or address on the voting list, to accept the registration of any person eligible to vote, and to accept new enrollments.

A person who is not registered as a voter may not vote in any election.


Given under our hand this day, February 9, 2022 at Hampden, Maine.

  
Robert M. Fudge III  
  
Jessica Hamilton  
  
Tracy Anderson  
  
James H. Ayer

  
Kim H. Hurd  
  
Tania D. Duggan  
  
Allen L. Horder  
  
Jessica B. Horder

A majority of the School Board of Regional School Unit No. 22

A true copy of the Warrant and Notice of Election, attest:

  
Marie McCaw  
Resident of  
Regional School Unit No. 22

Countersigned this \_\_\_\_\_ day of \_\_\_\_\_, 2022 at the Town of Hampden, Maine.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A majority of the municipal officers of the Town of Hampden

A true copy of the Warrant and Notice of Election, attest:

\_\_\_\_\_  
Jenn Mahon, Deputy Municipal Clerk  
Hampden



COPY

STATE OF MAINE  
REGIONAL SCHOOL UNIT NO. 22 REFERENDUM  
OFFICIAL BALLOT FOR THE TOWN OF HAMPDEN  
APRIL 5, 2022

Chair of the School Board

INSTRUCTIONS TO VOTERS:

Vote "yes" or "no" by making a cross (X) or check mark (✓) in the square of your choice at the left of each article.

Yes

No

☐☐

Article 1:

Do you favor authorizing the School Board of Regional School Unit No. 22 (the "RSU") to design, construct, and equip an expansion of the Hampden Academy third floor, which will include 8 new classrooms and new restrooms (the "Project"), with a Project cost of \$1,992,034.87, which is expected to be 100% funded by federal American Rescue Plan/Elementary and Secondary School Emergency Relief (ARP/ESSER) grant funds?

Yes

No

☐☐

Article 2:

Do you favor authorizing the School Board of Regional School Unit No. 22 (the "RSU") to issue bonds and other evidences of indebtedness in the name of the RSU in an amount not to exceed \$886,080 through the State of Maine's zero interest rate/loan forgiveness School Revolving Renovation Fund (SRRF) Program for building envelope renovations and improvements, including exterior masonry work, at Reeds Brook Middle School (the "Project")?

SRRF Program Funding. The Project costs (up to \$886,080) have been approved for funding through Maine's SRRF Program. Of this amount, the RSU will receive 70% (up to \$620,256) that will be forgiven, and 30% (up to \$265,824) that the RSU will repay at zero interest (0%) over a term of five years.

COPY

# **TOWN OF HAMPDEN**

## **PUBLIC NOTICE**

Notice is hereby given that the Hampden Town Council will conduct a public hearing at 6:00 p.m. on March 7<sup>th</sup>, 2022 at the Hampden Municipal Building Council Chambers, 106 Western Ave. for consideration of the following:

**ADOPTION OF AN ORDINANCE TO AUTHORIZE THE REALLOCATION OF \$120,000 IN BOND PROCEEDS FROM THE ROUTE 1A SEWER PROJECT TO FINISH THE EXTENSION OF 200 FEET OF SEWER LINE ON WESTERN AVENUE.**

This Notice and the public hearing will constitute the notice and hearing requirement to authorize the borrowing of money other than tax anticipation notes under Section 212.5 of the Town of Hampden Charter.

Gayle Decker  
Town Clerk

*Posted: 02/22/2022*

**WARRANT FOR SPECIAL MUNICIPAL REFERENDUM**  
**TOWN OF HAMPDEN, MAINE**  
**APRIL 5<sup>TH</sup>, 2022**

COUNTY OF PENOBSCOT, SS.

TO: Amanda Day, a resident of Hampden, Maine You are hereby required in the name of the State of Maine to notify the voters of Hampden, Maine.

You are hereby notified that the Special Municipal Election in the Town of Hampden will be held at the Skehan Recreation Center, on Tuesday, following the first Monday of April, same being the fifth day of said month in the year of our Lord two thousand twenty-two for the purpose of effecting the election of the following referendum:

**TOWN OF HAMPDEN**  
**BALLOT QUESTION NO. 1**

Ordinance Authorizing Reallocation of \$120,000 of Borrowed Funds To Finance Sewer Improvements on Western Avenue in Hampden.

Shall the above-described ordinance be adopted, and the municipal officers have the authority to reallocate \$120,000 from the unneeded proceeds of a bond which was issued to finance sewer reconstruction on Route 1A to the extension of an additional 200 feet of sewer on Western Avenue onto Route 1A?

The Polls shall be opened at 8:00 a.m. and closed at 8:00 p.m. The Registrar of Voters will hold office while the Polls are open at the Polling Place to correct any error in or change a name on the voting list, to accept the registration of any person eligible to vote and to accept new enrollments. A person who is not registered to vote may not vote in any Election.

Pursuant to Title 21-A, Section 759(7), absentee ballots will be processed at the following times:

- April 5, 2022— 9:00 am; 11:00 am; 1:00 pm; 3:00 pm; 5:00 pm and 8:00 pm at the Polls.

Dated at Hampden, Maine this 22nd day of February, 2022.


\_\_\_\_\_  
Majority of Municipal Officers of Hampden, Maine


A True Copy:

ATTESTED: \_\_\_\_\_  
Town Clerk of Hampden, Maine

Date: \_\_\_\_\_

**TOWN OF HAMPDEN  
SPECIAL MUNICIPAL ELECTION  
APRIL 5<sup>TH</sup>, 2022**

**INSTRUCTIONS TO VOTERS**

- To vote for your choice, fill in the oval to the left, like this: 
- To have your vote count, do not erase or cross out your choice.
- If you make a mistake, ask for a new ballot.

**TOWN OF HAMPDEN  
BALLOT QUESTION NO. 1**

Shall the municipal officers have the authority to reallocate \$120,000 from the unneeded proceeds of a bond which was issued to finance sewer reconstruction on Route 1A to the extension of an additional 200 feet of sewer on Western Avenue onto Route 1A?



Yes  
No

ADOPTED: Hampden Town Council, March 7<sup>th</sup>, 2022

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Paula A. Scott  
Trésurer  
Town of Hampden, Maine



H-a  
Town of Hampden  
Economic Development

## MEMORANDUM

To: Town Council

From: Amy Ryder, Economic Development Director

Date: February 16, 2022

RE: Affordable Housing Request

Stearns Farm developer, Stan Macmillan, has requested to speak to council about their thoughts and desires around affordable housing here in Hampden.

He is applying for the most recent State of Maine \$10 million loan program for single family affordable housing and has asked for council's approval to turn Stearns Farm into affordable housing so he can include Council's will in his application.

It is important to note that he is also looking for tax reimbursement prior to the sale of these homes. There are affordable housing TIF districts in the state of Maine, but it would be my recommendation that this wouldn't be a good decision for the town of Hampden. These homes are single family, and likely to include several children to enter into RSU22, as well as incur all the other costs of residential development.

The affordable housing TIF districts in Maine are in larger cities, and Bangor's are only for senior/elderly rental units, as is the case for most.

Please see attached information around the loan program, the TIFs and the resolution requested.

Thank you,

Amy Ryder

  
menu

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Contact Us

# Affordable Homeownership Program

## Program Summary

In an ongoing effort to increase the supply of moderately-priced homes available to Mainers, the State of Maine is making \$10 million available to facilitate the development of subdivisions with affordable single family homes. The funding comes from the American Rescue Plan Act, through the Maine Jobs & Recovery Plan. The Affordable Homeownership Program is intended to help lower the costs to developers building single-family subdivisions by providing zero percent interest, forgivable loans. This funding will help to offset the rising costs to developers for land acquisitions, labor, and materials.

Developers receiving Affordable Homeownership Program funding will be required to set aside homes in the subdivision as Affordable Homeownership Units. An Affordable Homeownership Unit is a lot with a new (never previously occupied), owner-occupied single-family home that will be sold to homebuyers who earn up to 120% of Area Median Income (AMI), and meets other criteria outlined in the program guide.

## Eligibility

Proposals must meet the following criteria to be eligible for Affordable Homeownership Program financing:

- A minimum of five (5) single-family homes in a subdivision must be designated as Affordable Homeownership Units, unless previously approved by MaineHousing. An Affordable Homeownership Unit is a developable lot with a new (never previously occupied), owner-occupied single-family home that meets the criteria outlined in the program guide.
- The minimum forgivable loan amount is \$300,000 and the maximum forgivable loan amount is \$1,400,000 per affordable single-family housing development. The maximum forgivable loan amount per Affordable Homeownership Unit is \$70,000 in Cumberland, Sagadahoc or York counties, and \$60,000 in the remaining 13 counties of the State.
- Developers participating in the Subdivision Program will not be allowed to access additional subsidy from MaineHousing, however homebuyers may receive subsidy for down payment and closing costs.

Eligible expenses for forgivable loans under the Affordable Homeownership Program include:

- Reimbursement of land acquisition costs;
- Site development soft costs, including construction loan interest;
- On-site infrastructure costs such as installation of roads, water, electrical, sewer, storm drainage, retaining walls, retention ponds, sidewalks, and landscaping;
- Construction costs.

Overhead, staffing, and other general operating costs are not eligible expenses under the Affordable Homeownership Program.

## More Info

Applications are accepted on an on-going basis and will be reviewed on a first-come, first-serve basis as long as funding is available. For more information on program eligibility, priorities, and how to apply, download and review the [Program Guide](#).

**Mark Wiesendanger**, Director of Development



[Email Me](#)



(207) 626-4625

## Program Resources



[Affordable Homeownership Program Guide](#)



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26 Edison Drive, Augusta ME 04330  
(800) 452-4668 \ (207) 626-4600  
Fax (207) 626-4678 \ Maine Relay 711

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# Gov. Mills launches \$10 million loan program for affordable single-family home construction

Maine's Affordable Homeownership Program is expected to support the construction of at least 150 new single-family, affordable housing units.

By KELLEY Bouchard  
Staff Writer

Gov. Janet Mills launched a new state program Wednesday that offers \$10 million in forgivable home construction loans to help address Maine's ongoing housing crisis, which has grown more severe during the COVID-19 pandemic.

The loan program is part

a second round of ARPA funding is released.

Loans issued through the Affordable Homeownership Program will have to be repaid over a period of 10 years, with interest waived for the first five years. The program is expected to support construction of at least 150 affordable sin-

gle-family homes.

A real estate boom triggered by the pandemic has worsened a housing shortage that already existed in many Maine communities. In December, the median single-family home sale price in Maine was \$209,000, up 33 percent from the median price of \$16,900 in January 2020, based on data from Maine Listings, a subsidiary of the Maine Association of Realtors.

The shortage has greatly lessened the affordability of houses and apartments across Maine, hampering the efforts of employers and communities to attract and retain workers and families, Mills said in a written statement.

"The pandemic has put the price of homes, and the dream of home ownership, out of reach for too

Please see HOMES, Page B3

## HOMES

(Continued from Page B1)

many hard-working families," Mills said. "By building more housing across Maine, more families will be able to realize the dream of having a safe, affordable place to live in the communities that they love."

The new program is designed to promote construction of "moderately priced" single-family homes by providing zero-interest, forgivable loans to offset rising costs for land acquisition, labor and materials, according to MaineHousing. It's similar to a previous affordable subdivision loan program that was funded with \$1 million in real estate transfer taxes. However, the

financial stability of Maine families."

Developers participating in this program may not access other subsidies through MaineHousing, but buyers of the homes may receive subsidies from other programs for mortgage down payments and closing costs.

"Through this funding, Maine workers will be hired to build more safe, affordable housing, which is critical to the well-being of our communities," said House Speaker Ryan Fecteau, D-Biddeford. "The American Rescue Plan ensures states can use economic recovery funds to meet our greatest challenges, and the supply of housing is one of Maine's biggest issues right now."

per affordable home is \$70,000 in York, Cumberland and Sagadahoc counties, where the maximum home price will be \$225,000; and \$60,000 for the remaining 13 counties, where the maximum home price will be \$275,000. The sale price of each home would have to remain "affordable" for 15 years under MaineHousing criteria.

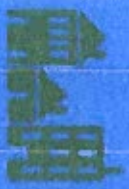
"MaineHousing greatly appreciates the focus and financial backing the Mills administration and the Legislature have placed on developing a range of solutions for some of Maine's most challenging housing problems," said MaineHousing Director Daniel Brennan. "This program will help create desperately needed new, affordable single-family houses, improving the lives and

president of the Maine Municipal Association, said the program not only will "help address the housing shortage, but (also) tend to the needs of moderate-income families, who are often ineligible for federal and state assistance."

Mills noted two other housing initiatives that are part of the Maine Jobs & Recovery Plan: \$1.5 million for housing navigator services to assist people in housing crises, based on a proposal from Rep. Victoria Morales, D-South Portland; and \$10 million to support homeless shelters, based on a proposal from Rep. Kristen Cloutier, D-Lewiston.

Kelley Bouchard - 207-791-6378  
kbouchard@pressherald.com  
Twitter: @KelleyBouchard





# Maine Communities Using Affordable Housing Tax Incremental Financing (AHTIF)



Maine Housing  
Maine State Housing Authority

Community	Name	Affordable Housing Development Program	District Duration	Captured Assessed Value	Estimated AHTIF Revenues (Total)	Approval Date
Auburn	Webster School Redevelopment AHTIF District	28 units of rental housing, 6 one-bedroom units, 16 two-bedroom units, and 6 three-bedroom units. Affordability limits $\leq 60\%$ AMI for all of the units with 18 of the units at $< 50\%$ AMI, remaining affordable for 90 years. TIF revenues will be used for project operating costs.	30 years	60%	\$970,305	9/21/2010
Augusta	Water Street Apartments Affordable Housing Development District	24 rental units located in a former downtown warehouse. Affordability limits $\leq 60\%$ AMI. Developer use of TIF revenues for building acquisition, renovation, professional fees, and administrative costs.	15 years	50%	\$247,650	12/13/2005
Augusta	Cony Village Affordable Housing TIF & Development District	43 home subdivision with a neighborhood recreation/community center. Affordability limits $\leq 120\%$ AMI on at least one third of the units. Developer use of TIF revenues to cover the costs of property acquisition, site infrastructure, soft costs, and recreation center development.	30 years	75%	\$1,945,528	2/7/2008
Bangor	Volunteers of America Housing Development District	55 units of senior rental housing, 52 one-bedroom units and 3 two-bedroom units. Affordability limits $\leq 50\%$ AMI for 36 units and $\leq 57\%$ for 19 units. One unit will be for an on-site manager. Developer use of TIF revenues for project operating costs.	15 years	100%	\$492,603	1/22/2009

Community	Name	Affordable Housing Development Program	District Duration	Captured Assessed Value	Estimated AHTIF Revenues (Total)	Approval Date
Bangor	Maine Hall Tax Increment Financing District & Affordable Housing Development Program	28 units of senior rental housing at the former Bangor Theological Seminary campus. Affordability limits $\leq 60\%$ AMI. Developer use of TIF revenues for project operating costs.	15 years	Varies - estimated at between 68 to 76%, but approved as high as 100%	\$274,077	7/22/2010
Biddeford	Emery School Affordable Housing Development District	24 units of senior rental housing, 20 one-bedroom units and 4 two-bedroom units. Thirteen units will be fully handicapped accessible. Affordability limits $\leq 50\%$ AMI for 60% of the units and the remaining 40% of the units at $\leq 60\%$ AMI, remaining affordable for 90 years. TIF revenues will be used for project operating costs.	16 years	60%	\$300,292	9/21/2010
Biddeford	Iaconia House Affordable Housing Development & TIF District	43 units rental housing, 12 one-bedroom units and 31 two-bedroom units. Affordability limits $\leq 50\%$ AMI for 26 units and $\leq 60\%$ AMI for 17 units, affordability period of 30 years. Developer use of TIF revenues for the project's operating costs, including property management and administration, utilities, routine repairs and maintenance, insurance, real estate taxes, and funding of the project's reserve account.	16 years	50%	\$658,125	8/20/2013
Biddeford	The Lofts at Saco Falls Affordable Housing Development & TIF District	78 units rental housing, 61 one-bedroom units and 17 two-bedroom units. Affordability limits $\leq 50\%$ AMI for 25 units and $\leq 60\%$ AMI for 37 units, remaining affordable for 45 years. Sixteen units at market rate. Developer use of TIF revenues for the project's operating costs, including property management and administration, utilities, routine repairs and maintenance, insurance, real estate taxes, and funding of the project's reserve account.	30 years	0% 1 <sup>st</sup> year 75% years 2 – 16 4% decrease per year 17 - 30	\$2,002,016	8/20/2013

<b>Community</b>	<b>Name</b>	<b>Affordable Housing Development Program</b>	<b>District Duration</b>	<b>Captured Assessed Value</b>	<b>Estimated AH/TIF Revenues (Total)</b>	<b>Approval Date</b>
Ellsworth	Leonard Lake Senior Housing Tax Increment Financing District	26 units of senior rental housing, 22 one-bedroom units and 4 two-bedroom units with associated senior center and public park. Affordability limits $\leq 60\%$ AMI for all units, remaining affordable for 90 years. Developer use of 50% of TIF revenues for projects operating costs. City use of 50% of TIF revenues for capital costs of developing recreational facilities (via debt service payments on a GO bond issue of \$1.24M for 2013).	20 years	100%	\$868,312	10/20/2011
Fairfield	Mountain Avenue District and WHA, Inc. District	25-40 rental units located in a former nursing home, 9 single family homes and 6 single family condominiums. Affordability limits $\leq 120\%$ AMI on 40% of the units; affordability period of 30 years on rental and 10 years on owned units. Developer use of 75% of TIF revenues for renovation of nursing home and related financing, construction of new housing units and related financing, professional services, administrative, and organizational costs. Town use of 25% of TIF revenues for asbestos removal loan repayment and for an affordable housing revolving loan fund.	30 years	100%	\$1,128,947 rentals \$1,080,907 houses & condos	7/11/2006
Fort Fairfield	The Meadows Senior Housing Tax Increment Financing District	25 units of senior rental housing, 20 one-bedroom units and 5 two-bedroom units. Affordability limits $\leq 60\%$ AMI. Developer use of TIF revenues for project operating and maintenance costs, including management and administrative costs, utilities, routine repairs and maintenance, insurance, and funding of the project's replacement reserve account.	15 years	75%	\$433,503	7/30/2012

<b>Community</b>	<b>Name</b>	<b>Affordable Housing Development Program</b>	<b>District Duration</b>	<b>Captured Assessed Value</b>	<b>Estimated AHTIF Revenues (Total)</b>	<b>Approval Date</b>
Freeport	Oak Leaf 2 Senior Affordable Housing Development District	25 one and two-bedroom units of senior rental housing. Affordability limits of $\leq 50\%$ and $\leq 60\%$ AMI, remaining affordable for 90 years. TIF revenues will be used for project operating costs.	26 years	50%	\$236,775	9/14/2010
Lewiston	Community Concepts Inc. Affordable Housing Development District	30 senior rental units with shared community space and laundry, adult day care, and common area located at the former St. Dominic High School. Affordability limits $\leq 50\%$ AMI for 18 units and $\leq 60\%$ AMI for 12 units; affordability period of 90 years. Developer use of TIF revenues for project operating costs.	20 years	80% years 1-5 65% years 1-10 50% years 11-20	\$473,410	10/19/2007
Lewiston	Birch Hill Elderly Housing Associates District	20 senior rental units on Bates Street. Affordability limits $\leq 60\%$ AMI for 12 units and $\leq 50\%$ AMI for 8 units. Developer use of TIF revenues to offset property taxes.	17 years	Varies according to a formula	\$150,190	10/18/2007
Lewiston	81 Ash Street Affordable Housing Development District	32 units of elderly rental housing, 26 one-bedroom units and 6 two-bedroom units with associated community space. Affordability limits $\leq 60\%$ AMI for all units, remaining affordable for 90 years. TIF revenues will be used for project operating costs.	17 years	60%	\$197,264	3/23/2010
Lewiston	Lofts at Bates Mill Affordable Housing Development District & Program	48 units of workforce rental housing, 25 one-bedroom units, 16 two-bedroom units, and 7 three-bedroom units with associated community space. Affordability limits $\leq 50\%$ AMI for 33 units, remaining affordable for 90 years. Fifteen units at market rate rent. TIF revenues will be used for project operating costs.	17 years	50%	\$633,676	9/12/2010



<b>Community</b>	<b>Name</b>	<b>Affordable Housing Development Program</b>	<b>District Duration</b>	<b>Captured Assessed Value</b>	<b>Estimated AHITIF Revenues (Total)</b>	<b>Approval Date</b>
Lincoln	Lakeview Senior Housing AHITIF District & Program	24 units of senior rental housing in a three-story building, 20 one-bedroom units and four two-bedroom units Affordability limits $\leq 60\%$ AMI. Developer use of TIF revenues to reduce operating expenses.	30 years	100%	\$644,983	10/30/2008
Machias	Forest Avenue Workforce Housing Affordable Housing Development District	10 single family homes to be constructed under a self help building program. Affordability limits $\leq 80\%$ AMI on initial sales; $\leq 120\%$ AMI for subsequent sales; affordability period of 10 years. Developer use of TIF revenues for site preparation, road and utility construction, professional fees, and financing site development.	20 years	100%	\$264,503	8/16/2006
North Berwick	Canal Street Affordable Housing Development District	40 senior rental units (33 one-bedroom units and 4 two-bedroom units) located in a historic woolen mill building. Affordability limits $\leq 60\%$ AMI. Developer use of 50% of TIF revenues for debt service payments allocable to construction costs of the units or to reimburse the developer for equity used to finance construction of the units.	20 years	50%	\$353,600	12/1/2006
Orono	Webster Point Affordable Housing Development District	14 condos, 9 market rate and 5 affordable in 7 new buildings with affordability limits $\leq 120\%$ AMI. Developer use of 85% of TIF revenues for debt service on construction and site work, and on-site public recreational improvements. Town use of 15% of TIF revenues for proportional share of infrastructure improvements (road, sidewalk, sewer) required by conditional re-zoning. Up to \$295,420 for mitigation of impacts on local schools.	16 years	100%	\$1,969,466	2/7/2011

Community	Name	Affordable Housing Development Program	District Duration	Captured Assessed Value	Estimated AHITF Revenues (Total)	Approval Date
Portland	409 Cumberland Avenue AHITF District	57 units of rental housing, 21 efficiency units, 32 one-bedroom units and 4 two-bedroom units.  Affordability limits ≤ 60% AMI for 19% of the units and ≤ 50% AMI for 62% of the units. The remaining 19% of the units will be at market rate.  TIF revenues will be used for the project's operating costs.	22 years	0% years 1 - 2  100% years 3 - 22	\$1,584,750	11/26/2013
Portland	Pearl Place Phase One Affordable Housing Development District	New construction of 60 rental units (20 one-bedroom units, 25 two-bedroom units, and 15 three-bedroom units) in two new buildings.  Affordability limits for 60% of the units ≤ 50% AMI, and for 40% of the units ≤ 60% AMI; affordability period of 30 years.  Developer use (up to \$22,000 annually) of TIF revenues to pay debt service on a development loan. One percent of developer's annual share will be paid to the city as an administrative fee.  City use of balance of TIF revenues for public improvements, to be determined through a later amendment.	30 years	100%	\$2,125,425	10/6/2006
Scarborough	Bessey School Affordable Housing Tax Increment Financing District	75 senior rental units located in the former Bessey School.  Affordability limits ≤ 50% AMI on 54 units and ≤ 60% AMI on 21 units.  Developer use of TIF revenues for debt service on bank loan for renovation and construction and for project operating costs.	30 years	100%	\$3,256,120	11/22/2006

Community	Name	Affordable Housing Development Program	District Duration	Captured Assessed Value	Estimated AH/TIF Revenues (Total)	Approval Date
South Portland	Brick Hill Affordable Housing Development District	300 units of housing (158 rental units, 54 senior rental units and 88 condos), 100,000 sq. ft. of office space, day care, social services, recreational facilities, and open space at former Maine Youth Center property.  Developer use (up to \$6.5 million) of TIF revenues for construction costs and to pay interest on a construction loan; conditioned on loss of DDA designation.  City use of TIF revenues for transportation improvements to highway exit and/or mitigation of adverse K-12 school costs.	Up to 30 years	100%	\$14.26 - \$14.9M	4/23/2004
Topsham	29 Elm Street Affordable Housing Development District	36 units of senior rental housing, 31 one-bedroom units and 5 two-bedroom units.  Affordability limits 50-60% AML, remaining affordable for 45 years.  Developer use of 50% of TIF revenues for operating costs, including property management and administration, utilities, routine repairs and maintenance, insurance, real estate taxes, funding of the project's replacement reserve account, and recreational facilities on the project site.  Town use of 50% of TIF revenues to fund the portion of the costs to construct, alter or expand public infrastructure improvements located outside the District, including roads, sidewalks, and transportation facilities necessary for access to and from the District, and costs to mitigate ongoing impacts of the District on the Explorer bus route in the town.	18 years	100%	\$684,507	1/16/2014



<b>Community</b>	<b>Name</b>	<b>Affordable Housing Development Program</b>	<b>District Duration</b>	<b>Captured Assessed Value</b>	<b>Estimated AHTTF Revenues (Total)</b>	<b>Approval Date</b>
<b>Veazie</b>	<b>Veazie Village Senior Housing Project District</b>	24 senior rental units (20 one-bedroom units and 4 two-bedroom units) in a two-story building with elevator. Affordability limits of $\leq 60\%$ AMI for 9 units and $\leq 50\%$ AMI for 15 units. Developer use of TIF revenues for project operating costs and possibly debt payments.	30 years	100%	\$636,840	11/30/2006
<b>Waterville</b>	<b>Gilman Place Affordable Housing Development District &amp; Program</b>	35 units of family rental housing (14 one-bedroom units, 14 two-bedroom units, and 7 three-bedroom units) and a gymnasium/recreational space. Affordability limits $\leq 60\%$ AMI for all units, remaining affordable for 90 years. TIF revenues will be used for project operating costs and municipal education costs.	30 years	100%	\$871,734	12/16/2009
<b>Windham</b>	<b>New Marblehead Manor Affordable Housing Development District</b>	20 units of rehabilitated senior rental housing, 2 efficiency, 16 one-bedroom units and 2 two-bedroom units with a community room and coin operated laundry facilities. Affordability limits $\leq 60\%$ AMI for all units, remaining affordable for 90 years. Developer use of TIF revenues for the Project's operating and maintenance costs, including administrative costs, utilities, routine repairs and maintenance, insurance, and funding of the Project's replacement reserve account.	30 years	50%	\$640,421	4/19/2013



Paula Scott &lt;townmanager@hampdenmaine.gov&gt;

H-6

**Fwd: solar ordinance**

2 messages

Clifton Iler &lt;planner@hampdenmaine.gov&gt;

Wed, Feb 16, 2022 at 11:28 AM

To: Paula Scott &lt;townmanager@hampdenmaine.gov&gt;

Here is the request from Jim Kiser regarding adding a solar ordinance discussion to the Town Council workshop (this past Monday). Since it didn't make the agenda I told him to come share his thoughts at the Tuesday meeting. Just wanted to keep you updated.

**Clifton J. Iler, AICP**  
**Town Planner**  
Town of Hampden  
106 Western Ave  
Hampden, ME 04444  
P: 207.862.3034 x160

----- Forwarded message -----

From: **Jim Kiser** <jim@kiser-kiser.com>  
Date: Thu, Jan 27, 2022 at 1:50 PM  
Subject: solar ordinance  
To: Clifton Iler <Clifton@hampdenmaine.gov>

Clifton,

After reviewing the ordinance, I see that it does not work for a potential site being evaluated, ie Large Scale in the Res B district. I am wondering, if the location is a really good use for the property but I know that it would not be feasible, based on past town zone changes, to change the zone, could the ordinance be amended to provide Large Scale Solar in Res B if there were other requirements place on the developer. These could be larger buffers, denser buffers/berms, solid fencing or other actions that could protect abutting properties but use a property that probably can not be effectively used for other allowed used due to environmental issues. For reference, solar projects can impact areas of wetland but the permitting does not require compensation for impacts associated with conversing of woods to meadow or shading of the wetland. The only impacts considered are from the direct placement of foundation posts.

I would be happy to further discuss this potential if you think there is a possibility, maybe a conditional use, for the modifications.

Thanks.



James Kiser



ENGINEERING & DEVELOPMENT CONSULTING

PO Box 282

Hampden, ME 04444

207-862-4700

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Paula Scott <townmanager@hampdenmaine.gov>  
To: Clifton Iler <planner@hampdenmaine.gov>

Wed, Feb 16, 2022 at 1:38 PM

Thank you. I will add it to the workshop.

Paula A. Scott  
Town Manager  
Treasurer

Town of Hampden  
106 Western Avenue  
Hampden, Maine 04444  
Tel: (207) 862-3034  
Fax: (207) 862-5067

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[Quoted text hidden]

**TOWN OF HAMPDEN, MAINE  
SOLAR ENERGY ORDINANCE**

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ADOPTED: Hampden Town Council December 7, 2020  
Effective: January 6, 2021

CERTIFIED BY: Gayle C. Decker  
Gayle C. Decker, Town Clerk

## **1. Purpose**

- a) Solar energy is a local, renewable, and non-polluting energy resource that can reduce fossil fuel dependence on emissions. Energy generated from solar energy systems can be used to offset energy demand on the grid, with benefits for system owners and other electricity customers.
- b) The use of solar energy equipment for the purpose of providing electricity and energy for heating and/or cooling is an important component of the Town of Hampden's sustainability goals.
- c) The standards that follow enable the accommodation of solar energy systems and equipment in a safe manner while still allowing the quiet enjoyment of property.
- d) This ordinance is intended to balance the need for reasonable standards and expedited and streamline development review procedures.

## **2. Definitions**

**Solar Energy System:** A device or structural design feature whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

**Solar Energy System, Roof-Mounted:** A Solar Energy System that is mounted on the roof of a building or structure.

**Solar Energy System, Ground-Mounted:** A Solar Energy System that is structurally mounted to the ground and is not roof-mounted.

- 1. **Solar Energy System, Small-Scale** is a ground-mounted system whose physical size based on total airspace projected over the ground is less than 15,000 square feet (approximately one-third of an acre):
- 2. **Medium-scale Solar Energy system** is on whose physical size based on total airspace projected over a roof or on the ground is equal to or greater than 15,000 square feet but less than 87,120 square feet (two acres); and
- 3. **Large-scale Solar Energy System** is one whose physical size based on total airspace projected over a roof or the ground is equal to or greater than 87,120 square feet (two acres).

## **3. Applicability**

- a) Notwithstanding the provisions of 1 M.R.S.A. section 302 or any other law to the contrary, the requirements of this ordinance shall apply to all roof-mounted and ground-mounted solar energy systems modified or installed after the date of its enactment.
- b) All solar energy systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and standards.
- c) Any upgrade, modification or structural change that alters the size, placement or output of an existing solar energy system shall comply with the provisions of this ordinance.
- d) For this ordinance, the Town of Hampden's zoning districts are mapped and categorized as follows:

**Table 3.1 Use Table**

**Permitting Required for Solar Energy Systems**

	Rural	Res A	Res B	Seasonal	Rural Bus	Bus	Bus B	Town Center	Comm Service	Waterfront	Inter change	Ind Park	Ind	Ind2
Rooftop SES	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Small-Scale Ground-Mounted solar	MSP	MSP	MSP	MSP	MSP	MSP	MSP	MSP	MSP	MSP	MSP	MSP	MSP	MSP
Medium-Scale Ground-Mounted Solar	MJR	N	MJR	N	MJR	N	N	N	N	N	MJR	MJR	MJR	MJR
Large-Scale Ground-Mounted Solar	MJR	N	N	N	MJR	N	N	N	N	N	MJR	N	MJR	MJR
Y = allowed N=Prohibited MSP= Minor Site Plan Review MJR= Major Site Plan Review														

**4. General Standards and Applicability**

- A solar energy system or device shall be installed or operated in the Town of Hampden provided it is compliant with this ordinance.
- Permitting shall be determined by zone within the Town of Hampden, type of solar system, and proposed size. The Town of Hampden has designated the proper permitting process for each solar system in the above matrix entitled "Permitting Required for Solar Energy Systems."
- All Solar Energy Systems, Roof-mounted and Ground-mounted are subject to the Dimensional Standards of Section 5 and the Performance Standards outlined in Section 6 of this ordinance.

**5. Dimensional Standards**

- Solar Energy Systems, Roof-Mounted
  - Height:
    - In mixed-use and non-residential commercial/industrial zones, solar energy systems shall be mechanical devices and, for purposes

of height measurement, are restricted only to the extent consistent with other building-mounted mechanical devices.

2. In all other zoning districts, such systems shall conform to the maximum building height requirements of the zoning district in which they are located. See Article 3.4 Table 3.4.1 in the Town of Hampden's Zoning Ordinance for maximum building heights.

**b) Solar Energy Systems, Ground-Mounted**

- i. Height standards for ground-mounted solar energy systems are dependent on location and zoning district. Height shall be measured from the lowest point of the structure above grade to the highest point of the facilities when oriented at maximum tilt.

1. In residential and mixed-use zoning districts, such systems shall not exceed sixteen (16) feet in height when oriented at maximum tilt.
2. In all other zoning districts, such systems shall conform to the building height requirements of the zoning districts in which they are located. See Article 3.4 Table 3.4.1 in the Town of Hampden's Zoning Ordinance for maximum building heights.

**ii. Setbacks**

1. Minimum setback shall conform to the requirements of the zoning district in which the system is located. Article 3.4.2. of the Town's Zoning ordinance for setback standards.
2. Additional setbacks may be required to mitigate visual and functional impacts.

**6. Performance Standards**

- a) Solar Energy Systems (including Roof-Mounted and Small-Scale) must conform with the following standards:**

- i. Roof-mounted and building-mounted solar energy systems and equipment are permitted by right unless they are determined by the Code Enforcement Officer and Fire Chief to present one or more unreasonable safety risks, including, but not limited to the following:
  1. Weight load;
  2. Wind resistance;
  3. Ingress or egress in the event of fire or another emergency; or
  4. Proximity of a ground-mounted system relative to buildings.
- ii. All solar energy system installations shall be installed in compliance with manufacturer's instructions and the photovoltaic systems standards.
- iii. All wiring shall be installed in compliance with the manufacturer's instructions and NEC national electric code.

- iv. Prior to operation, electrical connections must be inspected and approved by the Code Enforcement Officer and Fire Chief.**

**b) Medium-Scale and Large-Scale Ground Mounted Solar Energy Systems**

**In addition to the standards in Section 1, large-scale and medium-scale ground-mounted solar energy systems shall comply with the following:**

**i. Utility Connections:**

- 1. Utility connections shall be underground wherever possible.**

**ii. Safety:**

- 1. The solar system owner or project proponent shall provide a copy of the Site Plan Review application to the Planning Department for review and comment. The Planning Department shall base any recommendation for approval or denial of the application upon review of the safety of proposed system.**

**iii. Visual Impact:**

- 1. Reasonable efforts, as determined by the Planning Board, shall be made to minimize undue visual impacts by preserving native vegetation, screening abutting properties, or other appropriate measures, including adherence to height standards and setback requirements.**

**iv. Land Clearing, Soil Erosion, and Habitat Impacts:**

- 1. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of ground-mounted solar energy systems or as otherwise prescribed by applicable laws, regulations and bylaws/ordinances.**
- 2. Ground-mounted facilities shall minimize mowing to the extent practicable.**
- 3. Removal of mature trees shall be avoided to the extent possible.**
- 4. Native, pollinator-friendly seed mixtures shall be used to the extent possible.**
- 5. Herbicide and pesticide use shall be minimized. No prime agricultural soil or significant volume of topsoil shall be removed from the site for installation of the system.**

**v. Fencing:**



1. Where fencing is used, fences should be elevated by a minimum of 5 inches to allow for passage of small terrestrial animals.

**vi. Removal:**

1. Solar energy systems that have reached the end of their useful life or that have been abandoned consistent with this ordinance shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notice the Town of Hampden Planning Department of the proposed date of discontinued operations and plans for removal.
2. Removal should consist of:
  - a. Physical removal of all solar energy systems, structures, equipment, security barriers, and transmission lines from the site.
  - b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
  - c. Stabilization or re-vegetation of the site to minimize erosion. Native, pollinator-friendly seed mixtures shall be used to the maximum extent possible.

**vii. Abandonment:**

1. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, a medium or large-scale ground-mounted solar energy system shall be considered abandoned when it fails to operate for more than 150 days.
2. A surety is required at the time of Planning Board review of a Site Plan application for the assumption of any debt, default, non-compliance with State and Federal laws or local ordinances, or failure of the array falls to the principal (contractor/developer/investor/solar company) and not the obligee (owner).
3. At the time of Planning Board review of a Site Plan application and permit, the applicant for a medium or large-scale ground mount solar array system shall identify how it shall provide a performance guarantee payable to the benefit of the Town of Hampden, a municipal corporation, for all costs associated with the removal of an approved solar energy system that has been abandoned on public land. The performance guarantee shall be equal to one hundred fifty (150) percent of the estimated cost of removal. The performance guarantee can be in the form of a

Solar Contractor Surety Bond or Solar Decommissioning Bond and may be acceptable to the Town as determined by the planning board and legal counsel for the Town of Hampden. The financial guarantee shall include a provision granting and guaranteeing the Town the authority to access the funds and property and perform the decommissioning if the facility is abandoned and the owner or operator fails to meet their obligations to remove the solar energy system. The applicant shall provide the Town the identified performance guarantee prior to the issuance of a building permit by the Code Enforcement Officer for the solar energy system. The owner or operator shall also be responsible for notifying the Town in writing if the performance guarantee is revoked, and in such cases, shall provide the Town a replacement guarantee that is found acceptable by legal counsel for the Town within ninety (90) days, or the owner's or operator's permit to operate the system shall be revoked. The owner or operator shall be responsible to pay the Town's legal fees.

4. If the owner or operator of the solar energy system fails to remove the installation within 150 days of abandonment or the proposed date of decommissioning, the Town of Hampden or the obligee retains the right to use all available means to cause an abandoned, hazardous, or decommissioned medium and large-scale ground-mounted solar energy system to be removed.
  5. If an owner or operator successfully removes a medium or large-scale solar energy system in accordance with requirements of this Section, and the Town's Code Enforcement finds that the removal was successfully completed, the owner or operator may apply to the Planning Department for the release of the performance guarantee identified in this Section. The Town shall not unreasonably withhold the release of a performance guarantee post a determination by the Code Enforcement Officer that an owner or operator has successfully removed a solar energy system.
- ...
- viii. Large-scale ground mounted solar energy systems shall not be considered accessory uses.
  - ix. Operations and Maintenance Plan:
    1. The project proponent shall submit a plan for the operation and maintenance of the medium and large-scale ground-mounted

solar energy system, which shall include measures for maintaining safe access to the installation as well as other general procedures for operational maintenance of the installation.

x. Signage:

1. A sign shall be required to identify the owner and provide a 24-hour emergency contact phone number.

xi. Emergency Services:

1. The Medium or Large-scale ground-mounted solar energy system owner or operator shall provide a copy of the project summary electrical schematic, and site plan to the Planning Department.
2. Upon request, the owner or operator shall cooperate with Public Safety in developing an emergency response plan.
3. All means of shutting down the system shall be clearly marked.
4. The owner or operator shall provide to the Planning Department the name and contact information of a responsible person for public inquiries throughout the life of the installation.

## **7. Site Plan Application and Review**

Please refer to the Town of Hampden Zoning Ordinance in Article 4.1.

a) Applicability:

- i. Roof-mounted systems are not subject to Site Plan Review.
- ii. Small-Scale ground-mounted solar energy systems are subject to Minor Site Plan Review.
- iii. Medium-Scale ground-mounted solar energy systems are subject to Major Site Plan Review.
- iv. Large-Scale ground-mounted solar energy systems are subject to Major Site Plan Review.

b) In addition to the Town of Hampden's site plan application requirements in Article 4.1., the Applicant shall submit the following supplemental information as part of a site plan application:

i. A site plan showing:

1. Property lines and physical features, including roads, for the project site;
2. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
3. Blueprints or drawings of the solar energy system showing the proposed layout of the system, any potential shading from nearby structures, the distance between the proposed solar collector and all

property lines and existing on-site buildings and structures, and the tallest finished height of the solar collector;

4. Documentation of the major system components to be used, including the panels, mounting systems, and inverter(s);
5. Name, address, and contact information of the proposed system installer, the project proponent, project proponent agent, and all co-proponents or property owners, if any; and
6. A one-or three-line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods.
7. Locations of important plant and animal habitats identified by the Maine Department of Inland Fisheries and Wildlife or Town of Hampden, or rare and irreplaceable natural areas, such as rare and exemplary natural communities and rare plant habitat as identified by the Maine Natural Areas Program.
8. Locations of wetlands and waterbodies.
9. Location of floodplains.
10. Locations of local or National or Historic Districts.
11. A public outreach plan, including how the project proponent will inform abutters and the community.
12. A removal plan with a performance guarantee (Refer to Section 7.g. in this ordinance)
13. An Operations and Maintenance Plan

## **8. Review Procedure and Process**

Please refer to Article 4 in the Town of Hampden's Zoning Ordinance for the Town's review process and approval standards.

## **9. Fees.**

The Town may adopt administrative fees and technical review fees for site plan review. Refer to Town's Fees Ordinance Article 2.20.

## **10. Legal Action and Violations**

a) When any violation of any provision of this ordinance shall be found to exist, the Code Enforcement Officer is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town of Hampden. This Section shall not prevent any person entitled to equitable relief from enjoining any act contrary to the provisions of this ordinance.

b) Any person, firm, or corporation, being the owner of, or having control of, or the use of any building or land or part thereof, who violates any of the provisions of this ordinance shall

by guilty of a civil violation and upon conviction thereof shall be fined in accordance with the following:

- i) The minimum penalty for starting construction or undertaking a land use activity without a required permit penalty shall be one hundred dollars (\$100.00), and the maximum penalty shall be two thousand five hundred dollars (\$2500.00).
- ii) The minimum penalty for a specific violation shall be one hundred dollars (\$100.00), and the maximum penalty shall be two thousand five hundred dollars (\$2500.00).
- c) All civil penalties imposed shall ensure to the benefit of the Town of Hampden. Each day any violation continues to exist after notification shall constitute a sperate offense.



STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION  
16 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0016

3-c

Janet T. Mills  
GOVERNOR

Bruce A. Van Note  
COMMISSIONER

Paula Scott, Town Manager  
Re: Town of Hampden  
106 Western Avenue  
Hampden, ME 04444

2/1/2022

**Subject:** PMRAP Laydown & Surface HMA  
**Project No.:** 2258110 & 2258155  
**Location:** Newburgh & Hampden  
**Roadway:** State Route 69

Dear Ms. Scott

The Maine Department of Transportation will soon solicit quotes for the subject project for construction, and pursuant to 29-A MRSA § 2382 (7) we have established a "Construction Area." A copy of 29-A § 2382 is enclosed for your information. Also included is an agreement, **which requires signature by the municipal officers**, and additional background documents.

The agreement stipulates that the municipality will issue a permit for a stated period of time to the MDOT contractor for transporting construction equipment (backhoes, bulldozers, etc.) that exceed legal weight limits, over municipal roads. The agreement acknowledges the municipality's right to require a bond from the contractor to "guarantee suitable repair or payment of damages" per 29-A MRSA.

29-A MRSA § 2382 (7) states that "*the suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers.*" In other words, municipal officers determine the suitability of repairs on municipal ways and bridges.

The State cannot force municipalities to allow overweight vehicles to travel on posted municipal roads. Municipal postings supersede overweight permits. However, the agreement requires municipalities to make reasonable accommodations for overweight vehicles that are operated by contractors and the MDOT in connection with the construction project.

The specific municipal roads involved are not necessarily known at present, as the contractor's plan of operation won't be known until just prior to the start of work. If the municipality plans to require a bond; the amount of the bond should be determined prior to the start of work. If the project number administratively changes, you will be notified, and the agreement modified accordingly. Please return the completed agreement to my attention. Should you have any questions, please contact me at 207 624-3410.

Sincerely,

  
George M.A. Macdougall, P.E.  
Contracts & Specifications Engineer  
Bureau of Project Development

***Please return this AGREEMENT, when completed, to:***

Maine Department of Transportation  
ATTN.: George Macdougall, Contracts & Specifications Engineer  
#16 State House Station, Child Street  
Augusta, Maine 04333-0016

**Project No.:** 2258110 & 2258155  
**Location:** Hampden

Pursuant to 29-A MRSA § 2382, the undersigned municipal officers of the Town of Hampden agree that a construction overlimit permit will be issued to the Contractor for the above-referenced project allowing the contractor to use overweight equipment and loads on municipal ways.

The municipality may require the contractor to obtain a satisfactory bond pursuant to 29-A MRSA § 2388 to cover the cost of any damage that might occur as a result of the overlimit loads. If a bond is required, the exact amount of said bond should be determined prior to the use of any municipal way. The MaineDOT will assist in determining the amount of the bond if requested. A suggested format for a general construction *overlimit bond* is attached. A suggested format for a construction *overlimit permit* is also attached. This construction overlimit permit does not supersede rules that restrict the use of public ways, such as posting of public ways, pursuant to 29-A MRSA § 2395.

The maximum speed limit for trucks on any municipal way will be 25 mph (40 km per hour) unless a higher speed limit is specifically agreed upon, in writing, by the Municipal Officers.

**TOWN OF HAMPDEN**  
By the Municipal Officials

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COPY

**SPECIAL PROVISION 105**  
**CONSTRUCTION AREA**

**Construction Areas** located in the Towns of Newburgh & Hampden have been established by the Maine Department of Transportation (MDOT) in accordance with provisions of 29-A § 2382 Maine Revised Statutes Annotated (MRSA).

*The sections of highway under construction in Penobscot County:*

*Projects 2258110 & 2258155 are located on Route 69 beginning at the intersection of Western Avenue (Route 9) in Newburgh and extending southerly 3.87 miles.*

Per 29-A § 2382 (7) MRSA, the MDOT may “issue permits for stated periods of time for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation. The permit:

- A. Must be procured from the municipal officers for a construction area within that municipality;*
- B. May require the contractor to be responsible for damage to ways used in the construction areas and may provide for:*
  - (1) Withholding by the agency contracting the work of final payment under contract; or*
  - (2) The furnishing of a bond by the contractor to guarantee suitable repair or payment of damages.*
- The suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers;*
- C. May be granted by the Department of Transportation or by the state engineer in charge of the construction contract; and*
- D. For construction areas, carries no fee and does not come within the scope of this section.”*

The Municipal Officers for the Towns of Newburgh & Hampden agreed that an Overlimit Permit will be issued to the Contractor for the purpose of using loads and equipment on municipal ways in excess of the limits as specified in 29-A MRSA, on the municipal ways as described in the “Construction Area.”

As noted above, a bond may be required by the municipality, the exact amount of said bond to be determined prior to use of any municipal way. The MDOT will assist in determining the bond amount if requested by the municipality.

The maximum speed limits for trucks on any town way will be 25 mph (40 km per hour) unless a higher legal limit is specifically agreed upon in writing by the Municipal Officers concerned.



## **MUNICIPAL OVERLIMIT PERMIT FOR CONSTRUCTION**

MUNICIPALITY: \_\_\_\_\_

Phone: 207-\_\_\_\_\_; fax: 207-\_\_\_\_\_

### **APPLICATION FOR OVERLIMIT PERMIT TO MOVE CONSTRUCTION EQUIPMENT AND LOADS IN EXCESS OF LEGAL LIMITS ON MUNICIPAL WAYS**

Construction Time Period:

Per 29-A § 2382 (7) MRSA, application is hereby made to the MUNICIPALITY OF \_\_\_\_\_  
for An Overlimit Permit to move construction equipment, material, objects or loads in excess of legal limits over  
ways maintained by the MUNICIPALITY in support of construction operations for the following Maine DOT  
project

Project Description:

Project Identification Number (PIN):

NAME OF PERMITTEE (Construction Company):

STREET/P.O. BOX:

CITY:

STATE/PROV:

ZIP / POSTAL CODE:

PHONE:

FAX:

This object or load cannot be readily reduced to the legal limits.

Signed by:

(name & title)

-----  
Permit is granted. A copy of this signed permit will be provided to the permittee as prove of permit. This permit  
will automatically expire at the physical completion of the above construction project. The original permit will be  
held on file at the municipality.

Signed:

Municipal Official

H-d & e



**Memorandum**

TO: Town Council  
FROM: Paula Scott, Town Manager  
DATE: February 18, 2022  
RE: Reserve request

In August of 2020, the Town negotiated a contract with Greenwood equipment sales for the Quint ladder truck as well as one for the Ford/Horton ambulance which were the vehicles that we were replacing our end-of-life equipment with, as approved by Council. Because we were purchasing both pieces of equipment at the same time, we were able to save quite a bit of money on both units. In addition, because we were able to make a 100% pre-payment within 21 days of the signing of the contract, we were given a \$26,000 allowance to be used for any changes made to the truck at the pre-construction meeting. The type of change at a pre-construction meeting is usually in the form of what additional equipment will be added to the totality of the vehicle to better outfit it to meet all needs.

Due to the pandemic, it was difficult to even hold an in-person meeting, and there were also supply and staffing issues that affected the pre-construction meeting. The Town of Hampden made some minor requests, and added an air purification system, but requested that we be given the balance of that allowance back to us in the form of a check so that we could just source and equip our department needs. This allowance will augment our fire department equipment replacement line that we reduced in this year's budget, as well as to replace some items that we did not budget for, including some needs for the mini pumper. We received that check this past week.

\$26,000 allowance  
\$(2,946) change order  
\$(1,695) air purification system  
\$21,359 Balance

Because we do still need to purchase some additional equipment replacement items and because the funds can only be deposited into a revenue account which would lapse, or into a reserve account which does not lapse, we are asking for Council authorization to receipt this check into fire equipment reserve, (3-747-00). In the event that there may still be supply or shipping issues, we do not want the funds to lapse. Then we are asking for authorization for a not-to-exceed expenditure for the same amount from the same reserve account for the purchase of fire equipment.



**Sales Department: 508.695.7138**  
**Sales Fax: 508.699.6842**

September 27, 2021

**CHANGE ORDER**  
**SRO 58492 op 160| E1 #144362**

Chief Chris Bailey  
Hampden Fire Department  
106 Western Avenue  
Hampden, ME 0444  
Via Email: [cbailey@hampdenmaine.gov](mailto:cbailey@hampdenmaine.gov)

Dear Bailey,

This letter is notification of the following changes to your order:

• Initial credit	-26,000.00
• Pre-build changes made @ E-One	+ 2,946.00
• (2) Active air purification systems	+ 3,390.00
<hr/>	
Credit balance	( -\$19,664.00 )
• Return one (1) air activation system	+ 1,695.00
<hr/>	
Credit Balance	( \$21,359.00 )

**Total credit balance to customer as of 9/27/2021 ( - \$21,359.00 )**

Please sign below, authorizing this change, and fax a copy of this letter to us. (You may fax a signed copy back attn: Lorna @ 508.699.6842 – or email a signed scanned copy to: [lmarcoux@greenwoodev.com](mailto:lmarcoux@greenwoodev.com) ) Your prompt approval is requested. Thank you for your attention to this matter.

Sincerely,

*Lorna R. Marcoux*

Lorna R. Marcoux  
Director of Sales & Marketing

  
Approved: Chief Chris Bailey  
Hampden Fire Department

Date 9-28-21

Item	Quantity	Price each	Total Price
6lb Pickhead axe	1	\$79.50	\$79.50
6' Pike pole	3	\$89.00	\$267.00
PW can	1	\$152.59	\$152.59
Spanner wrench kit (wrenches/bracket)	1	\$59.59	\$59.59
Hydrant Wrench	1	\$40.39	\$40.39
Stortz wrench kit (wrenches and bracket)	2	\$125.00	\$250.00
Hydrant Kit	1	\$55.08	\$55.08
High rise bag	1	\$179.00	\$179.00
8' pike pole	1	\$110.00	\$110.00
10' pike pole	2	\$119.00	\$238.00
nozzle 1.75 smooth	1	\$479.00	\$479.00
nozzle 1.75 fog	1	\$985.00	\$985.00
nozzle 2.5 smooth	1	\$525.00	\$525.00
Double Female 2.5"	1	\$59.59	\$59.59
Double Male 2.5"	2	\$31.99	\$63.98
Rubber Mallet	1	\$17.50	\$17.50
2.5" to 2(2.5") gated wye(water theif)	1	\$633.39	\$633.39
2.5" to 1.5" reducer	1	\$39.50	\$39.50
Cones( Kit of 5 collapsible) with LED	1	\$165.00	\$165.00
10' 2.5" hard suction	2	\$250.00	\$500.00
AED	1	\$736.00	\$736.00
Handlights(vulcan 180)	3	\$199.00	\$597.00
Halligan Tool	2	\$239.00	\$478.00
Gated 2.5"	1	\$304.59	\$304.59
Elevator Key Set	1	\$265.59	\$265.59
Wheel chock	2	\$54.39	\$108.78
(PAC)Coil Lock	2	\$35.59	\$71.18
PAC Tool Handlelok Mounting Bracket	6	\$35.59	\$213.54
PAC Tool Jumbolok Mounting Bracket	4	\$57.59	\$230.36
PAC Tool Adjustamount Kit	2	\$58.59	\$117.18
Pac Tool Super Adjustamount Kit	2	\$59.59	\$119.18

<b>PAC Heavy Duty Toolok Hanging Bracket</b>	<b>8</b>	<b>\$27.39</b>	<b>\$219.12</b>
<b>Thread adapters and coupling 275</b>	<b>1</b>	<b>\$600.00</b>	<b>\$600.00</b>
<b>Radios</b>	<b>1</b>	<b>\$3,600.00</b>	<b>\$3,000.00</b>
<b>generator</b>	<b>1</b>	<b>\$550.00</b>	<b>\$550.00</b>
<b>TS420 k saw</b>	<b>1</b>	<b>\$999.00</b>	<b>\$999.00</b>
<b>MS 462 Rescue</b>	<b>1</b>	<b>\$1,260.00</b>	<b>\$1,260.00</b>
<b>MS 462 Rescue spare chain</b>	<b>1</b>	<b>\$364.00</b>	<b>\$364.00</b>
<b>Lights</b>	<b>4</b>	<b>\$250.00</b>	<b>\$1,000.00</b>
<b>Denver hook</b>	<b>1</b>	<b>TBD</b>	<b>\$1.00</b>
<b>6' ny hook</b>	<b>1</b>	<b>TBD</b>	<b>\$1.00</b>
<b>4' drywall d-handle</b>	<b>1</b>	<b>TBD</b>	<b>\$1.00</b>
<b>flathead axe</b>	<b>1</b>	<b>TBD</b>	<b>\$1.00</b>
<b>gatorback head and all purpose hook</b>	<b>1</b>	<b>TBD</b>	<b>\$1.00</b>
<b>Fire hooks unlim, Black Maxx</b>	<b>1</b>	<b>TBD</b>	<b>\$1.00</b>
<b>Positive pressure ventilation fan</b>	<b>1</b>	<b>TBD</b>	<b>\$1.00</b>

**Memorandum**

TO: Town Council  
FROM: Paula Scott, Town Manager  
DATE: February 17, 2022  
RE: Remote Meeting Policy amendment

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In municipal government, often times policies and procedures are amended, revised, or rescinded by the municipal officers in a manner that as a practical matter focuses on the intent of moving local government forward in a reasonably timely manner. In Hampden, we recognize Robert's Rules of Order as our guide to conducting effective meetings, rather than the Maine Moderator's Manual.

Following Robert's Rules, in my opinion I do not believe that the Remote Meeting Policy can be suspended. As a policy it seems to fit the criteria of bylaws or a constitution which may *not* be suspended. The policy itself, which template was provided by MMA and which our legal counsel reviewed clearly states that it can be amended or rescinded. Therefore, following this memo you will find a red-lined version of the remote meeting policy with proposed *amendment* for consideration.



Town of Hampden  
Remote Meeting Participation Policy – Proposed amendments

Pursuant to 1 MRSA § 403-B, and after public notice and hearing, the Town of Hampden adopts the following policy to govern the participation, via remote methods, of members of the body and the public in the public proceedings or meetings of the body.

Members of the body are expected to be physically present for meetings except when not practicable, such as in the case of an emergency or urgent issue that requires the body to meet via remote methods, or an illness or temporary absence of a member that causes significant difficulty traveling to the meeting location. ~~Consistent with the Town of Hampden Charter, members are restricted to six remote meetings a year and~~ For the duration of the Covid-19 pandemic, which conclusion will be guided by the Maine Centers for Disease Control, there shall be no limitations to the number of remote meetings that a member is allowed. The chair or presiding officer of the body, in consultation with other members if appropriate and possible, will make a determination that remote methods of participation are necessary in as timely a manner as possible under the circumstances. A member who is unable to attend a meeting in person will notify the chair or presiding officer of the body as far in advance as possible. Members are permitted to attend executive sessions remotely provided that the security of the technology is vetted by the IT department. As an assurance for the public and for full transparency, it shall be the policy that remote participation by members of the body shall be permitted only by way of video. Participation by members through telephone or chat features shall be prohibited.

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The public will be provided a meaningful opportunity to attend via remote methods for all meetings. The public will also be provided an opportunity to attend the meeting in person unless there is an emergency or urgent issue that requires the entire body to meet using remote methods. Even when all members of the body are physically present, it shall be the policy of the Town of Hampden to allow members of the public to attend and participate via remote methods.

Notice of all meetings will be provided in accordance with 1 MRSA § 406 and any applicable charter, ordinance, policy, or bylaw. When the public attend via remote methods, notice will include the means by which the public may access the meeting remotely and will provide a method for disabled persons to request necessary accommodation to access the meeting. Notice will also identify a location where the public may attend the meeting in person. The body will

not restrict public attendance to remote methods except in the case of an emergency or urgent issue that requires the body to meet using remote methods of attendance.

The body will make all documents and materials to be considered by the body available to the public who attend in person, provided no additional costs are incurred by the body.

All votes taken during any meeting will be by roll call vote that can be seen and heard if using video technology, or heard if using audio technology only, by other members of the body and the public. A member of the body who participates remotely will be considered present for purposes of a quorum and voting.

This policy will remain in force indefinitely unless amended or rescinded.

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Dated: \_\_\_\_\_

Signed: \_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Amended February 22<sup>nd</sup>, 2022



**EXECUTIVE SESSION STATUTES**

The eight subjects permitted to be discussed in Executive Session are as follows:

PERSONNEL MATTERS: 1 M.R.S.A. § 405(6)(A)

SCHOOL STUDENT SUSPENSIONS/EXPULSIONS: 1 M.R.S.A. § 405(6)(B)

REAL ESTATE; ECONOMIC DEVELOPMENT: 1 M.R.S.A. § 405(6)(C)

LABOR CONTRACTS/NEGOTIATIONS: 1 M.R.S.A. § 405(6)(D)

ATTORNEY-CLIENT CONSULTATIONS: 1 M.R.S.A. § 405(6)(E)

CONFIDENTIAL RECORDS: 1 M.R.S.A. § 405(6)(F)

EMPLOYMENT EXAMINATIONS: 1 M.R.S.A. § 405(6)(G)

CODE ENFORCEMENT CONSULTATIONS: 1 M.R.S.A. § 405(6)(H)